



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/28/Add.16
4 May 1993

Original: ARABIC

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Second periodic reports of States parties due in 1983

Addendum

LIBYAN ARAB JAMAHIRIYA*

[4 February 1993]

I. GENERAL

Introduction

Geographical and demographic features

1. Libya is situated in central North Africa between latitudes 18°-23°N and longitudes 9°-25°E. It is bounded on the east by Egypt and the Sudan, on the west by Tunisia and Algeria and in the south by Chad and Niger. It has a southern Mediterranean coastline of about 1,800 km and covers a total area of 1,775,500 km², which makes it the fourth largest country in Africa after the Sudan, the Congo and Algeria. Its total population in 1990 was estimated at about 3,947,200 persons.

* For the initial report submitted by the Government of the Libyan Arab Jamahiriya, see documents CCPR/C/1/Add.3 and Corr.1 and CCPR/C/1/Add.20, and for its consideration, see CCPR/C/SR.51, or Official Records of the General Assembly, Thirty-third session, Supplement No. 40 (A/32/40), paragraphs 50 to 67.

General state of the national economy

2. The national economy has made tremendous achievements in various fields as a result of the exploitation of petroleum resources to implement socio-economic projects in various fields relating to agricultural and industrial production, energy and roads, the purpose of which is to help to create an economy based on sectors other than petroleum, which is a diminishing and unstable resource.
3. The world economic crisis that began in the early 1980s had a direct impact on petroleum markets, in which prices dropped to a very low level.
4. Marketing policy, as well as the need to maintain prices and establish ceiling production levels, inevitably caused a further deterioration. All this had a direct effect on the income of the petroleum-exporting countries, including the Socialist People's Libyan Arab Jamahiriya. In 1989, the gross domestic product (GNP) at current income factor cost was estimated at about 7,223.5 million Libyan dinars and the available statistics indicate that the contribution of non-petroleum economic activities to the GDP rose from 36.9 per cent in 1970 to 72.9 per cent in 1989, while the contribution of petroleum and natural gas extraction activities decreased from 63.1 per cent in 1970 to about 37.1 per cent in 1989, at current income factor cost.
5. With a view to achieving balanced economic growth in all sectors and regions and establishing a fundamental development base, the national economy was bolstered by fixed investments that amounted to more than 28.429 million dinars during the period from 1970 to 1988.
6. The available statistics indicate that the average per capita cash income in the socialist People's Libyan Arab Jamahiriya, based on per capita share of GDP, rose from 642 dinars in 1970 to 1,572 dinars in 1989, i.e. an annual compound rate of growth of 4.9 per cent is equivalent to about US\$ 3.34.

Political and legal systems

7. Following the revolution of 1 September 1969, sovereignty has been exercised by the people in accordance with the Constitutional Declaration of 11 December 1969, article 1 of which stipulated that: "Libya is a free and democratic Arab republic in which sovereignty is exercised by the people. It forms part of the Arab nation and its aim is the achievement of full Arab unity. Its territory is part of Africa and it is known as the Libyan Arab Republic".
8. However, subsequent to the Declaration, on 12 Rabi I 1397 A.H. corresponding to 2 March 1977, the political system in the Jamahiriya has been based on the "people's authority". Article 2 of the Declaration stipulates that the Holy Qur'an is the social code in the Socialist People's Libyan Arab Jamahiriya. Article 3 stipulates that the direct authority of the people is the basis of the political system in the Socialist People's Libyan Arab Jamahiriya, since authority belongs solely to the people, by whom it is exercised through people's congresses, people's committees, trade unions and federations and professional associations (the General People's Congress, the working procedures of which are established by law).

Predominant religions in the country

9. Article 2 of the Constitutional Declaration promulgated on 11 December 1969 stipulates that: "Islam is the religion of the State and the Arabic language is the official national language. The State shall protect freedom of religious observance in accordance with the established customs". Accordingly, Islam is the predominant religion in the Jamahiriya, although the State protects other religions and guarantees freedom of religious observance for all persons residing in the territory of the Jamahiriya.

II. INFORMATION IN RELATION TO EACH OF THE ARTICLES
IN PARTS I, II AND III OF THE COVENANT

Article 1: The right to self-determination

10. Since the revolution of 1 September 1969, the Socialist People's Libyan Arab Jamahiriya has shown concern for basic human rights. Its fundamental and supreme objective is to promote the health, social and cultural aspects of human welfare. This necessitated the promulgation of the Constitutional Declaration in order to safeguard the rights and freedoms of Libyans, including their right to participate in the government of their country, their right to education, work, freedom of opinion and association, the right to seek legal remedy from the courts, and other basic rights. The Declaration also specifies the duties of all male and female citizens, such as their responsibility to defend the country, pay taxes and fulfil their other constitutional obligations. It can therefore be said, quite categorically, that the basic law in the Jamahiriya and the other legislation that has been promulgated in accordance therewith meet the standards set in the most modern and progressive constitutions and laws anywhere in the world. This was further confirmed and consolidated by the Declaration of the People's Authority of 2 March 1977, which gave rise to the promulgation of a number of legislative acts and ordinances which detail those rights and freedoms and the manner in which those duties should be fulfilled.

11. The Jamahiriya reaffirms that all people have the right to self-determination. That right is respected in conformity with the teachings of Islam (the Holy Qur'an being the Libyan social code), the Promotion of Freedom Act No. 20 of 1991, the provisions of the Charter of the United Nations and the principles of international law.

12. The members of the Jamahiri society are protecting and defending freedom throughout the world, supporting persons who are being persecuted in their quest for freedom, and encouraging peoples to oppose injustice, tyranny, exploitation and colonialism with a view to the establishment of a humanitarian society free from aggression, wars, exploitation, terrorism and domination of the strong over the weak. All nations, peoples and ethnic groups have the right to live in freedom, security and peace. Their legitimate aspirations should not be suppressed under any circumstances whatsoever and force should not be used to absorb them in one or more other ethnic groups.

Article 2: The rights of citizens and other residents of the Jamahiriya

13. Pursuant to the above-mentioned Declaration and the Constitutional Declaration promulgated on 11 December 1969, a number of legislative acts have been promulgated to safeguard the civil and political rights of all persons residing in the territory of the Jamahiriya, without any discrimination among them on grounds of race, colour, sex, language, religion, political opinion, national origin, property or other status. These legislative acts ensure equality among citizens, since all authority belongs to the people by whom it is exercised directly, without proxy or representation, at the people's congresses.

14. Following its accession to the International Covenant on Civil and Political Rights, the Jamahiriya reviewed its legislation and found it to be in no way inconsistent or incompatible with the provisions of the Covenant.

15. Libyan legislation recognizes the right of every citizen to seek legal remedy from the courts in the event of a violation of any of his rights recognized in that legislation or in the International Covenant on Civil and Political Rights, even if such violation is committed by official bodies, since the International Covenant on Civil and Political Rights forms an integral part of the domestic legislation of the Jamahiriya and has therefore been binding on individuals and bodies, including official bodies, since the country's accession to that Covenant. (See principle 26 of the Great Green Document on Human Rights in the Age of the Masses; arts. 27-30 of the Constitutional Declaration.)

Article 3: Equality between men and women

16. All the legislation in force in the Jamahiriya makes provision for the equal enjoyment by men and women of all civil and political rights, since it would be a flagrant and unjustifiable act of injustice to differentiate between the rights of men and women (art. 5 of the Constitutional Declaration; principle 2 of the Green Document).

Article 4: Cases of public emergency which threaten national security

17. Libyan legislation regulates this matter in a manner consistent with the provisions of article 4 since, under the terms of the States of Emergency Act promulgated on 31 January 1956, as amended by Act No. 32 of 1962, the executive authority is empowered to take the following measures to the extent strictly required by the exigencies of the state of emergency:

(a) The issue or validity of permits for firearms may be totally or partially suspended or placed under the control of the executive authority;

(b) Public gatherings may be subject to authorization from the competent authority;

(c) Newspapers and publications may be prohibited from publishing material likely to lead to an aggravation or deterioration of the situation which led to the proclamation of the state of emergency;

(d) Postal, telegraphic and telephone communications may be subjected to censorship;

(e) The opening times of public premises may be determined by decree and restrictions may be placed on freedom of movement at certain times;

(f) Any means of transport or other materials may be requisitioned, and individuals may be required to render essential services, whenever such action is deemed necessary and provided that equitable compensation is paid;

(g) Persons who manifestly pose a threat to public security may be restricted in their freedom of residence for a maximum period of one month and, if necessary, may be transferred to other locations within the Jamahiriya;

(h) The police may be empowered to use an appropriate degree of force to repress acts of violence and, during a state of emergency, criminal investigation officers may search premises and seize objects within the limits determined by the executive authority after obtaining authorization from the Office of the Attorney-General in each case.

None of these measures entail any discrimination based on race, colour, sex, language, religion or social origin.

Article 6: The right to life, and the death penalty

18. With regard to every human being's inherent right to life, all Libyan legislation holds human life sacred and designates any violation thereof as a criminal offence. It is not permissible to put an end to the life of any person, even at his own request, because of a disfigurement, a chronic, incurable or terminal disease or severe pain, even if the person is being kept alive by artificial means. Human life is safeguarded and held sacred by the members of the Jamahiri society. However, the social code (the Qur'an) stipulates that: "In retaliation you have a safeguard for your lives". With regard to the death penalty, to which reference is made in article 6 of the Covenant, Libyan legislation stipulates that, if a person is sentenced to the death penalty in his presence, the case must be referred to the Court of Cassation within 30 days from the date of sentencing and the Office of the Attorney-General must submit a written opinion on the case within the following 15 days. The Court may quash the sentence if there are adequate grounds for an appeal in cassation. Moreover, Libyan legislation does not allow the sentence of death to be carried out without the approval of the secretariat of the General People's Congress (arts. 381, 385 bis and 430 of the Code of Criminal Procedure).

19. The objective of Jamahiri society is to abolish the death penalty. Until that has been achieved, this penalty will be imposed only on persons whose life endangers or corrupts society. However, any person sentenced to death by way of punishment may apply for clemency or redemption and the court may commute the penalty.

20. The Libyan Penal Code contains mandatory provisions under which, if a young person over 14 but under 18 years of age commits a criminal offence

punishable by death or life imprisonment, the penalty must be commuted to a term of not less than five years' imprisonment which the convicted person must serve in a special institution for criminally responsible juveniles in which he will be subject to a special regime designed to educate and reform him in such a way as to deter him from further criminal activities and prepare him to become an honest member of society (art. 81 of the Penal Code).

21. By law, the death penalty cannot be carried out on a pregnant woman until two months after her delivery (art. 436 of the Code of Criminal Procedure).

Articles 7 and 8: Protection of human dignity

22. With regard to the prohibition of torture and cruel or degrading treatment or punishment, Chapter IV of the Libyan Penal Code deals with offences relating to slavery, the slave-trade, abduction and the use of violence, coercion or threats, abuse of authority, unlawful arrest, unjustified restriction of personal liberty and torture of prisoners in such a way as to ensure compliance with the provisions contained in articles 7 and 8 of the International Covenant on Civil and Political Rights.

23. The Medical Ethics Act No. 17 of 1986 prohibits the conducting of scientific experiments on the body of a live person unless he consents thereto with a view to deriving benefit therefrom. In such a case, the experiments must be conducted by licensed medical practitioners in accordance with recognized scientific principles.

24. The Libyan Labour Code stipulates that no one may be required to perform forced or compulsory labour. (Arts. 425-435 of the Penal Code, art. 1 of the Medical Ethics Act, art. 22 of the Labour Code and art. 6 of the Promotion of Freedom Act).

Article 9: Protection of liberty and security of person

25. With regard to liberty and security of person, as referred to in article 9 of the Covenant, Libyan legislation stipulates that no person may be arrested or detained except by order of the legally competent authorities, who are empowered to issue such order only if there is sufficient evidence to charge him with the commission of one or more offences punishable by imprisonment. The Department of Public Prosecutions must question him within 24 hours from the time at which he is referred thereto and must then order his release or remand in custody (arts. 24, 26 and 30 of the Code of Criminal Procedure and art. 14 of the Promotion of Freedom Act).

26. Libyan legislation further stipulates that no person may be imprisoned without a written order signed and stamped by the Department of Public Prosecutions. No one may be retained in prison for a period longer than that specified in the order. No one may be incarcerated except in the prisons designated to that end (art. 31 of the Code of Criminal Procedure and art. 9 of the Prisons Act). With regard to the circumstances under which preventive detention may be ordered, Libyan legislation stipulates that, after questioning the accused, the Department of Public Prosecutions may order his placement in preventive detention, provided that there is sufficient evidence against him, if the offence with which he is accused is a felony or a

misdeemeanour punishable by a term of more than three months' imprisonment. The Department of Public Prosecutions is empowered to place an accused person in preventive detention if he has no known or fixed place of residence in Libya in the case of offences punishable by imprisonment. The period of such detention by order of the Department is limited to six days. However, if the investigation procedures require a longer period, the matter is referred to a judge who can order the detention of the accused for a period or periods not exceeding a total of 45 days. If, in the judge's opinion, there is a subsequent need to extend the period of preventive detention, he must refer the matter to a division of a court of first instance, consisting of three judges, which is empowered to issue an appropriate order after hearing the statements of the Department of Public Prosecutions and the accused. The said division may extend the detention for successive periods of 45 days until the investigation is concluded (arts. 116, 122 and 123 of the Code of Criminal Procedure).

Article 10: Treatment of prisoners and failure
to fulfil contractual obligations

27. The provisions of article 10 of the International Covenant, concerning the humane treatment of prisoners and respect for the inherent dignity of the human person, are covered by the Prisons Act No. 47 of 1975 and the implementing regulations pertaining thereto.

28. Prisoners are divided into categories and the Act requires the segregation of male and female convicts. Pregnant women receive special treatment. Any person who is sentenced to a penalty involving a restriction of liberty for a short period of time is entitled to benefit from the privileges granted to persons placed in preventive detention. There are also regulations governing the employment, education, discipline, instruction and spiritual counselling of detainees. In addition, the Prisons Act grants prisoners the right to receive visitors and letters, as well as the right to complain if they are subjected to any act of aggression or injustice by prison officials. Under the terms of the Act, persons held in preventive detention are entitled to have their food brought in from outside, to procure magazines, newspapers and books and to contact their lawyers. The Department of Public Prosecutions, the supervising judges and the presidents and vice-presidents of the courts of first instance and the courts of appeal visit the public prisons situated within their areas of jurisdiction in order to ensure that no one is being detained unlawfully. The prisoners have the right to submit written or verbal complaints to them (arts. 32 and 33 of the Code of Criminal Procedure and art. 80 of the Prisons Act No. 47 of 1975).

29. There are special courts for juveniles, as well as reform institutions that are totally separate from the prisons intended for adult detainees (art. 81 of the Penal Code).

Article 11: Inability to fulfil a contractual obligation

30. Inability to fulfil a contractual obligation is not designated as a criminal offence in Libyan law. However, the law does make provision for the detention of any person who fails to fulfil his family obligations, such as maintenance, without a valid reason (art. 398 bis of the Penal Code).

31. In this connection, it should be borne in mind that Libyan society has adopted the Holy Qur'an as its social code and, on this matter, the Holy Qur'an contains a provision that is consistent with the letter and the spirit of article 11 of the Covenant ("If any one finds difficulty in discharging a debt, grant him a respite until it becomes easier for him" - verse 280, sura of "the Cow").

Article 12: Freedom of movement and residence
and freedom to leave the country

32. Freedom of movement and residence and freedom to leave the country, as provided for in article 12 of the Covenant, are guaranteed to all citizens. In time of peace, every citizen has the right to reside and travel in the Jamahiriya, as well as the right to leave and return to the country without a visa.

33. In the case of foreigners, this right is conditional on fulfilment of their financial obligations to the public authorities (principle 3 of the Green Document and art. 20 of the Promotion of Freedom Act).

Article 13: Expulsion of foreigners from the country

34. With regard to article 13 of the Covenant, concerning cases in which a foreigner may be expelled from the Jamahiriya, under Libyan law a foreigner must be expelled if he has been sentenced to a term of not less than 10 years' imprisonment for the commission of a serious offence likely to prejudice security and public order in the country.

35. Under Libyan law, a foreigner must also be expelled in the following circumstances:

- (a) If he entered the country without a valid visa;
- (b) If he refuses to leave the country on the expiration of his residence permit if the authorities refuse to extend it;
- (c) If his residence permit is cancelled for any of the legally specified reasons;
- (d) If a court of law orders his expulsion.

In cases (a), (b) and (c), the expulsion order, which must be substantiated, is issued by the Director General of Passports and Nationality (art. 158 of the Penal Code and arts. 16 and 17 of Act No. 6 of 1987 governing the entry and residence of foreigners).

Article 14: The right to legal remedy, to a defence
and to equality before the courts

36. Libyan law stipulates that litigants must be treated equally by the courts, without any discrimination between them on grounds of education, rank, financial standing or other status. Under Libyan law, all persons are entitled to apply to the courts for enforcement of their rights if the latter

have been violated. Every person also has the legal right to appeal against decisions and ordinances issued by the competent authorities if they are likely to prejudice any of the rights that he enjoys under the terms of the legislation in force. The principle of appeal against sentences is recognized in Libyan law. Court hearings are public unless public order or morality require otherwise. Every citizen has a guaranteed right to a defence, which is provided free of charge in the Jamahiriya. If a person accused of a felony fails to appoint a lawyer to defend him, a lawyer is appointed by the court. The lawyer has the right to attend the court proceedings and to hear and cross-examine the witnesses. The accused is not compelled to answer the questions put to him and has the right to apply for a review of the case if, in the light of new facts or evidence, the court is likely to reconsider its earlier judgement. No one can be tried or punished twice for an offence of which he has already been found guilty or innocent under the terms of a final judgement. Under Libyan law, foreigners who are accused of an offence have a guaranteed right to the services of an interpreter, from their language into the official language of the country, when appearing before the Department of Public Prosecutions and the courts.

37. Libyan law regulates the juvenile courts in such a way as to ensure the reform and rehabilitation of young persons so that they can become honest members of society. Article 318 of the Code of Criminal Procedure stipulates that, if the circumstances of the case necessitate the preventive detention of a young person over 14 years of age, he must be placed in a reform school, an institution designated by the State, or a recognized charitable establishment unless the Department of Public Prosecutions or the court decides that it would be sufficient to place him in the custody of a trustworthy person.

38. Juveniles are tried in camera at confidential hearings that are attended solely by their relatives and representatives of the judiciary and the charitable associations concerned with juvenile affairs. A young person under 14 years of age cannot be held criminally responsible and a judge cannot order preventive measures against a young person who was under 7 years of age at the time when he committed a criminal act. In the case of persons over 7 but under 14 years of age, the judge may take appropriate preventive measures.

39. Libyan law stipulates that criminal prosecution in respect of the charges brought against the accused is terminated, and cannot be resumed, when a final judgement against or in favour of the accused has been handed down (art. 13, para. (c), of the Constitutional Declaration; principle 9 of the Great Green Document; art. 7 of Act No. 4 of 1985 concerning the administration of the legal profession; art. 80 of the Penal Code; articles 105, 106, 108, 112, 162, 241, 244, 365, 381, 402, 415 and 416 of the Code of Criminal Procedure; arts. 17 and 30 of the Promotion of Freedom Act).

Article 15: Sequential nature of criminal legislation

40. With regard to article 15 of the Covenant, concerning the non-retroactivity of criminal legislation and the requirement to apply the most recent legal provision if it is more favourable to the accused, these principles are recognized in Libyan law (art. 201 of the Penal Code and art. 31, para. (a), of the Constitutional Declaration).

Article 16: Recognition of legal personality

41. With regard to article 16 of the Covenant, concerning recognition of legal personality, this principle is recognized in Libyan law in accordance with article 29 of the Civil Code.

Article 17: Legal protection against interference
in private and family affairs

42. With regard to article 17 of the Covenant, concerning the inadmissibility of interference with privacy, family, home or correspondence and attacks on honour and reputation, Libyan legislation contains many provisions that protect these aspects and prohibit interference therein. Examples of this legislation are the Promotion of Freedom Act No. 20 of 1991, the Penal Code and the Code of Criminal Procedure under which any arbitrary or unlawful interference with privacy, family, home or correspondence and any attack on honour and reputation are designated as criminal offences. Any citizen who is a victim of such a violation has a right to apply to the judicial authorities for imposition of the appropriate penalty on the party responsible for the violation (arts. 432, 436, 437, 438 and 439 of the Penal Code and arts. 15, 16 and 19 of the Promotion of Freedom Act).

Article 18: Freedom of thought, conscience, religion and opinion

43. Freedom of thought, conscience and religion is guaranteed by law to all persons residing in the Jamahiriya, since the social code (the Holy Qur'an) contains an explicit stipulation to this effect ("There is no compulsion in religion"). Moreover, under Libyan criminal law, any act or utterance that is likely to violate the sanctity of places of worship or cause a disturbance therein is designated as a criminal offence. The Great Green Document further stipulates that religion, being an absolute belief in the transcendental, as well as a sacred spiritual value for every individual and for people in general, constitutes a direct relationship with the Creator, without any intermediary. Jamahiri society condemns the monopolization and exploitation of religion to stir up sedition, fanaticism, sectarianism, factionalism and conflict, without prejudice to the provisions of article 318 of the Penal Code. Libyan law grants parents and guardians the right to raise their children in accordance with their beliefs (arts. 289, 290 and 291 of the Penal Code; principle 10 of the Green Document: art. 2 of the Constitutional Declaration and art. 5 of the Promotion of Freedom Act).

Article 19: Freedom of opinion

44. With regard to article 19, concerning freedom of opinion and freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print or through any other media, Libyan law recognizes this principle and the Great Green Document stipulates that the Jamahiri society is an enlightened and creative society in which everyone enjoys freedom of research, innovation and thought. The Jamahiri society is diligently endeavouring to promote and develop the sciences, the arts and literature and ensure their dissemination among the masses in order to prevent their monopolization. The Protection of Copyright Act specifies the rights of authors and the manner in which their works can be quoted in

such a way as to protect those works, without prejudice to the material and moral rights of authors. The rights referred to in this article are exercised in a manner consistent with public order and social morality (principle 19 of the Green Document; art. 8 of the Promotion of Freedom Act: arts. 3, 5, 6, 7, 38 and 48 of the Protection of Copyright Act No. 9 of 1968: and arts. 207, 339, 500 and 501 of the Penal Code).

Article 20: Prohibition of propaganda for war

45. The prohibition of any propaganda for war and any advocacy of national, racial or religious hatred is incorporated in Libyan law. The members of the Jamahiri society are protecting and defending freedom throughout the world, supporting persons who are being persecuted in their quest for freedom, and encouraging peoples to oppose injustice, tyranny, exploitation and colonialism with a view to the establishment of a humanitarian society free from aggression, wars, exploitation, terrorism and domination of the strong over the weak. All nations, peoples and ethnic groups have the right to live in freedom, security and peace. Their legitimate aspirations should not be suppressed under any circumstances whatsoever and force should not be used to absorb them in one or more other ethnic groups (principles 16 and 18 of the Great Green Document).

Article 21: Peaceful assembly

46. The right of peaceful assembly is recognized and guaranteed under the legislation in force in Libya. The right to assemble and hold demonstrations is regulated by legislative enactments and social groups are entitled to form associations within the limits prescribed by law and which are necessary in the interests of security and order (the Act of 30 October 1956 regulating assembly and demonstrations; the Associations Act No. 111 of 1970 and Act No. 9 of 1984 regulating the people's congresses).

Article 22: Freedom of association

47. With regard to article 22, concerning everyone's right to form and join trade unions for the protection of his interests, this right is recognized in the Associations Act No. 111 of 1970 and also in the Constitutional Declaration. The following are examples of legislative enactments that have been promulgated to regulate trade unions and federations:

- (a) Trade Unions Act No. 107 of 1975;
- (b) Federation of Authors and Writers Act No. 44 of 1976;
- (c) Teachers' Union Act No. 48 of 1972;
- (d) Medical Profession Act No. 107 of 1973;
- (e) Agricultural Occupations Act No. 95 of 1976;
- (f) Medical and Ancillary Professions Act No. 96 of 1976;
- (g) Artists' Union Act No. 45 of 1976;

- (h) Craftsmen's Union Act No. 99 of 1976;
- (i) Civil Servants' Association Act No. 98 of 1976;
- (j) Engineers' Union Act No. 100 of 1976;
- (k) Journalists' Union Act No. 98 of 1976;
- (l) General People's Congress decision No. 261 of 1979 concerning the General Federation of Students of the Jamahiriya;
- (m) Act No. 106 of 1975 concerning women's organizations;
- (n) Act No. 29 of 1977 establishing a union for members of the teaching profession;
- (o) Act No. 10 of 1980 concerning the reorganization of the legal profession;
- (p) Act No. 9 of 1984, concerning the organization of the people's congresses, also emphasized the need to organize occupational congresses within the framework of the Declaration of the People's Authority;
- (q) Article 9 of the Promotion of Freedom Act.

Article 23: Legal protection of the family

48. The Libyan Penal Code makes provision for protection of the family in the manner prescribed in that article. It refers to the promulgation of legislative enactments to regulate family rights and, in fact, Act No. 10 of 1984 was duly promulgated to regulate matters concerning marriage and divorce and their consequences. Article 6 of the latter Act recognizes the right of men and women to marry on reaching a specific age (20 years) and article 8 further stipulates that a guardian cannot force a young man or woman to marry against his or her will, nor can the guardian prevent his female ward from marrying the spouse of her choice.

49. The Act contains imperative provisions concerning protection of the family in such a way as to ensure the stability and happiness of its members so that the social purpose of its foundation can be achieved. It should be noted that the Constitutional Declaration stipulates that the family is the corner-stone of society, based on religion, morality and patriotism. The Green Document also indicates that marriage is an equal partnership between spouses, neither of whom can marry the other against his or her will. Divorce is not permissible without their mutual consent, except in accordance with an equitable court judgement (art. 3 of the Constitutional Declaration; arts. 12-17 of the Civil Code; (arts. 6 and 8 of Act No. 10 of 1984 regulating marriage and divorce; principle 2 of the Green Document; arts. 25, 26 and 27 of the Promotion of Freedom Act).

Article 24: Legal protection of children

50. Libyan law guarantees adequate protection for children in a manner consistent with the provisions of that article. Every live-born child must be given a name, a surname and a nationality, the surname being that borne by the child's father. By law, a young person who is destitute is entitled to be maintained by his or her father if the latter possesses the requisite financial resources, in the case of a girl until she marries or earns her own livelihood and, in the case of a boy capable of earning a livelihood, until he comes of age. If the child receiving maintenance is a student successfully pursuing his or her studies, the parental maintenance continues until the studies are completed. Children who lack a family provider are supported by the State. Under Libyan law, the vaccination or immunization of children against diseases is compulsory and the obligation to present the child for the requisite vaccinations or immunizations lies with the father or the person holding custody of, or bearing legal responsibility for, the child. Vaccinations are administered in accordance with the schedule prescribed in the legislation concerning vaccination. Libyan law also makes provision for payment of a monthly cash allowance to State employees supporting children under 19 years of age and stipulates that the guardians of children must enrol them at schools. To ensure the enjoyment of these rights, the Jamahiriya has established a Higher Committee on Children. The tasks of the Committee are as follows:

- (a) In the field of preventive health care and medical treatment:
 - (i) Medical examination before marriage and health care for pregnant mothers and their unborn children;
 - (ii) Providing the nutrition and health counselling needed by pregnant women;
 - (iii) Early detection of any congenital abnormalities in children, and endeavours to remedy their causes;
 - (iv) Efforts to ensure that proper medical care is provided at maternity clinics and children's hospitals;
- (b) In the social and cultural field:
 - (i) Protection of children from cruelty and ill-treatment by ensuring that they enjoy proper relationships and decent living conditions within their social environment;
 - (ii) Establishment of a system of social welfare and education centres and family counselling offices;
 - (iii) Formulation of sponsoring, hosting and fostering programmes for children at social welfare institutions;
 - (iv) Measures to deal with the problem of the naming of children of unknown parentage in a manner consistent with the interests of the child and compatible with the social code;

- (v) Measures to facilitate the procedures for the renaming of children of unknown parentage if the true identity of their parents is subsequently established;
- (vi) Reduced reliance on the official police authorities to deal with offences and misdemeanours committed by children;
- (vii) Establishment of a special juvenile police force consisting of persons trained in juvenile affairs, and designation of special departments of public prosecutions and courts consisting primarily of specialized social workers and psychiatrists;
- (viii) Modification of the system of female employment in such a way as to enable women to spend more time with their children, particularly in the early stages of childhood;
- (ix) Provision of permanent sources of independent financing for social welfare institutions and children's programmes;
- (x) Coordination of endeavours by the persons and sectors concerned (social security, health, youth, education and training) to establish social service offices within their respective spheres of functional competence;
- (c) In the field of education and information:
 - (i) Diligent promotion and monitoring of home education programmes for young children, meeting the requirements for such education and overcoming the obstacles impeding it through scientific solutions and administrative measures;.
 - (ii) Endeavours to enhance the cultural and educational progress of children by promoting children's programmes in the audiovisual media.
- (d) In the environmental field: urban and rural development plans should make provision for open areas, playing fields, parks and facilities for children, particularly disabled children;
- (e) From the material standpoint:
 - (i) Provision of moral and material support for large families in order to ensure the welfare of their young members;
 - (ii) Encouraging families and institutions to put aside savings for the benefit of their children and inmates.

51. This is a brief and simplified summary of the principal present and future objectives to promote the welfare of children in the Jamahiriya.

Article 25: Participation of citizens in the conduct of public affairs

52. The right to take part in the conduct of public affairs is guaranteed to all citizens, both male and female, of the Jamahiriya in accordance with paragraph 3 of the Declaration concerning the establishment of the people's authority. Act No. 9 of 1984, concerning the organization of the people's congresses, specifies the working procedures and functions of the basic people's congresses. The Act also defines the manner in which the non-basic people's congresses should be formed, as well as their functions and those of the occupational congresses and the General People's Congress, in such a way as to guarantee the right of citizens to take part in the conduct of public affairs.

53. Access to public service in the Jamahiriya is both a recognized right and a duty of every citizen, whether male or female, who meets the conditions for the holding of public office.

Article 26: Equality of citizens before the law

54. The principle of equality of rights for all citizens, without any discrimination between them, is recognized in Libyan law which makes no distinction among citizens on grounds of race, colour, sex, language, religion, political opinion, national or social origin, property, birth or other status. All Libyan legislative enactments recognize the equal rights of citizens and prohibit discrimination among them on any of the above-mentioned grounds. No distinction is drawn between men and women and Act No. 15 of 1981, concerning the wage structure in the Jamahiriya, establishes the principle of equal remuneration for equal work and responsibilities, in order to meet the basic needs of the persons covered by the Act, without discrimination among them on grounds of sex.

55. Education is a right and a duty of all Libyans. It is compulsory to the end of the basic stage of education and free at all stages. It is provided by the State, which establishes schools, institutes, universities and cultural and educational institutions. Men and women are treated on an equal footing in Libyan society and education is mixed at all stages. Men and women are partners in the various employment sectors and also in the fulfilment of public duties, such as national defence. This equality is stipulated in all the legislative enactments regulating public life in Libyan society and is in keeping with the teachings of the Holy Qur'an, which the Libyan people has adopted as its social code (art. 1 of the Promotion of Freedom Act).

Article 27: The rights of minorities

56. The right of persons belonging to ethnic, religious or linguistic minorities in any State to enjoy their culture, in community with the other members of their group, and to profess and practise their own religion is in no way denied in Libyan society, since the Libyan people is a homogenous people that professes the same religion (Islam) and speaks the same language (Arabic). There are no ethnic minorities. This is confirmed in paragraph 3 of the Declaration establishing the people's authority and also in paragraphs 10, 16 and 17 of the Green Document.

57. We trust that this review adequately answers all the questions raised by the Human Rights Committee at its meetings in 1977 and 1978 and incorporated in its report to the thirty-third session of the General Assembly.

III. NEW DEVELOPMENTS CONCERNING THE HUMAN RIGHTS RECOGNIZED IN THE DECLARATION AND THE COVENANTS

58. With regard to new developments concerning the human rights recognized in the Universal Declaration of Human Rights and the two International Covenants, several measures have been taken to promote and safeguard human rights and freedoms.

A. Release of prisoners and abolition of the special courts

59. The Leader of the Revolution in the Libyan Arab Jamahiriya announced the release of political and other prisoners and demolished the prisons in person. He also tore up the lists of persons banned from travelling and announced the abolition of all the special courts in order to promote freedom and human rights in accordance with the aspirations of peoples everywhere.

B. The Great Green Document on Human Rights

60. The basic people's congresses promulgated the Great Green Document on Human Rights in the Age of the Masses, which incorporates all the rights recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

61. Following the promulgation of the Green Document, committees were formed to review and amend the legislation in force in the Jamahiriya in a manner consistent with the principles set forth in the Green Document. The Promotion of Freedom Act No. 20 of 1991 was therefore promulgated to confirm and safeguard the fundamental human rights and freedoms. It might be helpful to reproduce the provisions of that Act in this report with a view to acquainting the international community, through the Human Rights Committee, of the way in which the fundamental human rights and freedoms are being constantly promoted in the Jamahiriya. The provisions of the Act read as follows:

Article 1

All citizens of the Great Jamahiriya, whether male or female, are free and equal in regard to their rights, which are inviolable.

Article 2

Every citizen has the right to exercise authority and self-determination in the people's congresses and the people's committees. No citizen may be denied the right to membership thereof or to election to their secretariats, provided that he or she meets the requisite conditions.

Article 3

Defence of the homeland is a right and an honour from which no male or female citizen may be deprived.

Article 4

Every person has an inherent right to life and the death penalty must not be imposed except by way of retribution or on a person whose life endangers or corrupts society.

An offender has the right to request mitigation of his penalty through forms of redemption in order to save his life. The court may accept this, provided that it is neither detrimental to society nor incompatible with human feeling.

Article 5

Religion is a direct relationship with the Creator, without intermediary, and it is prohibited to claim a monopoly of religion or to exploit it for any purpose.

Article 6

Everyone has a right to security of person and it is prohibited to conduct scientific experiments on the body of any living person without his voluntary consent.

Article 7

Dealings with foreign countries in a manner contrary to the interests of society constitute high treason.

Article 8

Every citizen has the right to express and publicly proclaim his ideas and thoughts in the people's congresses and the information media of the Jamahiriya. No citizen shall be answerable for his exercise of this right unless he exploits it with a view to detracting from the people's authority or for personal ends.

It is prohibited to advocate ideas or opinions clandestinely or to attempt to disseminate or impose them on others through enticement, force, intimidation or fraud.

Article 9

Citizens are free to establish and join trade unions, professional and social federations and leagues and charitable associations in order to protect their interests or achieve the legitimate objectives for which those institutions have been established.

Article 10

Everyone is free to choose the type of employment best suited to him, alone or in association with others, without exploiting the endeavours of others and without causing material or moral detriment to third parties.

Article 11

Every citizen has the right to enjoy the fruit of his labour and no part of the product of his labour may be withheld except to the extent required by law in order to ease the public burdens or in return for the provision of social services.

Article 12

Private property is sacrosanct and inviolable, provided that its origin is legitimate and does not entail exploitation of, or the causing of material or moral harm, to others.

It is prohibited to use such property in a manner incompatible with public order and morality. It is not permissible to expropriate public property except in the public interest and in return for fair compensation.

Article 13

Every citizen has the right to benefit from the land, by working or cultivating it or for purposes of grazing, throughout his life and the life of his heirs in order to satisfy his needs to the best of his ability, without exploiting others. No citizen may be deprived of this right unless it proves to be detrimental to the land or impedes the exploitation thereof.

Article 14

No person's liberty may be restricted or taken away, nor shall anyone be searched or questioned, except by order of a competent judicial authority and in the legally stipulated circumstances and time-limits if he is accused of committing a legally punishable act.

Accused persons remanded in custody shall be held at a designated location, of which their families must be notified, for the shortest period needed for the investigation and the preservation of evidence.

Article 15

The confidentiality of correspondence is guaranteed. It must not be censored except to the limited extent required by the exigencies of public security and after obtaining the requisite authorization from a judicial authority.

Article 16

Private life is inviolable and must not be interfered with unless it proves to be detrimental to public order and morality or harmful to others or gives rise to a complaint by one of the parties thereto.

Article 17

The accused is presumed innocent until proved guilty by a court judgement. Legal proceedings can nevertheless be brought against him as long as he stands accused.

It is prohibited to subject an accused person to any form of physical or mental torture or cruel, degrading or inhuman treatment.

Article 18

The purpose of penalties is to reform, rehabilitate, educate, discipline and admonish.

Article 19

Homes are inviolable and must not be entered, searched or placed under surveillance unless they are used to conceal a crime, to shelter criminals, to cause material or moral harm to others or for purposes that are manifestly incompatible with morality and social traditions. Except in cases of flagrante delicto or appeals for aid, houses must not be entered without authorization from a legally competent authority.

Article 20

In time of peace, every citizen has the right to freedom of movement and freedom to choose his place of residence, as well as the right to leave the Jamahiriya and return thereto whenever he wishes.

By way of derogation from the provisions of the preceding paragraph, the competent court may issue provisional injunctions banning departure from the Jamahiriya.

Article 21

The Jamahiriya is a refuge for persecuted persons and freedom fighters and it is not permissible to extradite such persons who seek asylum therein.

Article 22

Freedom of invention and creative originality are guaranteed within the limits of public order and morality unless they cause material or moral harm.

Article 23

Every citizen has the right to education, information and choice of appropriate knowledge. It is prohibited to monopolize or falsify information for any reason whatsoever.

Article 24

Every citizen has the right to social welfare and social security. Society is the guardian of persons lacking a source of support and, as such, protects the needy, the aged, the disabled and orphans and ensures a decent livelihood for persons who are incapable of work for reasons beyond their control.

Article 25

Every male and female citizen has the right to form a family based on a contract of marriage concluded with the consent of both parties and which cannot be dissolved without their consent or a judgement by a competent court.

Article 26

The right to child custody is vested in the mother, provided that she is deemed fit to undertake it. A mother must not be deprived of her children, nor must children be deprived of their mother.

Article 27

A woman who is granted custody of her children has the right to remain in the conjugal abode throughout the period of custody, the man being entitled to retain ownership of his personal property.

It is not permissible for a house or all or part of its contents to be taken in exchange for a divorce at the instance of either of the spouses or as a consideration to be taken into account when assessing the deferred part of the marriage portion.

Article 28

A woman has the right to engage in appropriate work and must not be placed in a position in which she is compelled to perform work to which, by virtue of her nature, she is not suited.

Article 29

Children must not be used, by their families or others, to perform work that is incompatible with their abilities or which impedes their natural growth or is detrimental to their morals or their health.

Article 30

Every person has the right to seek legal remedy in accordance with the law. The court shall provide all the requisite safeguards, including legal counsel, although the applicant is entitled to avail himself, at his own expense, of the services of a lawyer of his own choosing.

Article 31

The judiciary is independent and, in its administration of justice, is subject to no authority other than the law.

Article 32

No public body has the right to exceed its terms of authority and intervene in matters with which it is not concerned, nor is it permissible for any body to intervene in criminal investigation affairs unless it is legally empowered to do so.

Article 33

Public funds and facilities belong to society as a whole and must not be used for purposes other than those for which they are designated by the people.

Public office is a service rendered to society. It must not be exploited and the authority derived therefrom must not be abused, even for legitimate purposes.

Article 34

The rights recognized in this Act are inalienable and are not subject to any statute of limitations or derogation.

Article 35

The provisions of this Act are fundamental and nothing that is contrary thereto shall be promulgated. All legislation that is inconsistent therewith shall be amended.

Article 36

Any person who employs an unlawful means to achieve his ends shall forfeit the benefits of this Act.

Article 37

Acts which are designated herein as criminal offences shall be subject to the penalties prescribed in the Penal Code, in the legislation supplementing the said Code, and in the instruments promulgated pursuant to the provisions of the Great Green Document on Human Rights in the Age of the Masses.

C. The Libyan Arab Committee on Human Rights in the Age of the Masses

62. A number of citizens concerned with the promotion of human rights and freedoms jointly announced the formation of the above-mentioned Committee, the aim of which is to propagate the concepts and principles of human rights and fundamental freedoms in the age of the masses, to make the public more familiar with those rights and freedoms, to ensure that they are respected, and to defend and protect them by every legitimate means.

63. The Committee also monitors human rights issues through the dissemination of information, through the receipt of complaints and reports from the persons concerned, and through the relevant international and regional bodies and organizations.

64. The Committee, which is endeavouring to establish a Human Rights Institute, has a General Congress and an Executive Secretariat elected by the General Congress, membership of which is open to all eligible persons wishing to join.

D. Ratification of human rights instruments

65. The Socialist People's Libyan Arab Jamahiriya has ratified all the following instruments, under the terms of Act No. 7 of 1989, without restriction or reservation except in the case of the Convention on the Elimination of All Forms of Discrimination against Women:

(a) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Convention on the Elimination of All Forms of Discrimination against Women;

(c) Convention on the Reduction of Statelessness;

(d) Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

(e) The Convention relating to the Status of Stateless Persons;

(f) Discrimination (Employment and Occupation) Convention;

(g) Forced Labour Convention;

(h) Convention on the Nationality of Married Women;

(i) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;

(j) Convention on the Political Rights of Women;

(k) Equal Remuneration Convention;

(l) Convention on the Prevention and Punishment of the Crime of Genocide;

(m) Right to Organise and Collective Bargaining Convention;

(n) Convention on the Rights of the Child.

66. In our view, the above-mentioned new developments in the Jamahiriya since the date of submission of the initial report are consistent with the provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The basic people's congresses are responsible for monitoring the above-mentioned legislation in such a way as to ensure its application in a manner in keeping with the international human rights conventions and instruments to which the Jamahiriya has acceded.

67. The Jamahiriya is fulfilling its obligation to submit its second and third reports to the Human Rights Committee with a view to supporting the international institutions seeking to protect human rights and fundamental freedoms.

68. The Jamahiriya is also endeavouring to secure a broader enjoyment of human rights throughout the world by advocating and supporting the right of peoples to freedom and self-determination. While submitting its second and third periodic reports, the Jamahiriya is ready to respond to any questions that the Committee might raise in connection with these reports.

69. Two copies of all the following legislative enactments are annexed hereto:*

- (a) Constitutional Declaration;
- (b) Declaration Establishing the People's Authority;
- (c) The Great Green Document;
- (d) The Civil Code;
- (e) The Penal Code;
- (f) The Code of Criminal Procedure;
- (g) Organization of the Judiciary Act No. 15 of 1976;
- (h) Associations Act No. 111 of 1970;
- (i) People's Congresses Act No. 9 of 1984;
- (j) Prisons Act No. 47 of 1976;

* Available for consultation in the file of the secretariat.

(k) Act No. 10 of 1984, which guarantees the rights of women in regard to marriage and divorce;

(l) Travel Documents Act No. 15 of 1985;

(m) Nationality Act No. 18 of 1980;

(n) Medical Ethics Act No. 17 of 1986;

(o) Health Act No. 106 of 1973;

(p) Copyright Act of 1968;

(q) People's Legal Advocacy Act No. 4 of 1981;

(r) Wages Act No. 15 of 1981;

(s) Labour Act No. 8 of 1970;

(t) Compulsory Vaccination Regulation;

(u) The legislative acts regulating trade unions and professional federations, organizations and leagues;

(v) People's Committees Act No. 13 of 1990;

(w) Social Security Act No. 13 of 1980;

(x) Armed People's Act No. 3 of 1984;

(y) Statutes of the Libyan Arab Committee on Human Rights;

(z) Act No. 7 of 1990, concerning the ratification of some conventions;

(aa) Mobilization Act No. 21 of 1991;

(bb) Emergency Act;

(cc) Act No. 5, concerning the application of the principles set forth in the Great Green Document on Human Rights.
